

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

EDWINA HARTUNG

Plaintiff,

v.

C.A. No.: 05-881 SLR

FIRST STATE DINING COPR.,
d/b/a GATOR'S SPORTS BAR,

JURY TRIAL DEMANDED

Defendant.

SCHEDULING ORDER

This _____ day of March 2006, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties have exchanged the information required by Fed. R. Civ. P. 26 (a) (1) and D. Del. LR 16.2.

2. **Discovery.**

(a) Discovery will be needed on the following subjects: liability and damages

(b) All discovery shall be commenced in time to be completed by November 1, 2006.

(c) Maximum of 50 Interrogatories by each party to any other party.

(d) Maximum of 25 Requests for Admission by each party to any other party.

(e) Maximum of 10 depositions by plaintiff and 10 by defendant.

(f) Each deposition limited to a maximum of 8 hours unless extended by agreement of parties.

(g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by August 1, 2006. Rebuttal expert reports due by September 1, 2006.

(h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The Court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. Joinder of other Parties, Amendment of Pleadings and Class Certification. All Motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before April 1, 2006.

4. Settlement Conference. Pursuant to 28 U.S.C. Section 636, this matter is referred to Magistrate Judge

Thynge for the purposes of exploring the possibility of a settlement.

5. Summary Judgment Motions. All summary judgment motions shall be served and filed with an opening brief on or before February 15, 2007. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than ten (10) days from the above date without leave of the court.

6. Applications by Motion. Any application to the court shall be by written motion filed with the clerk unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

7. Motions in Limine. All motions in limine shall be filed on or before May 25, 2007. All responses to said motions shall be filed on or before June 4, 2007.

8. Pretrial Conference. A pretrial conference will be held on June 11, 2007 at 4:30 pm in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. Trial. This matter is scheduled for a five day jury trial commencing on June 25, 2007 in courtroom 6B,

sixth floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

The Honorable Sue L. Robinson